

RULE 2

Definitions and Rules of ConstructionA. Definitions

1. **“Allocation”**: The means by which an individual position is assigned to an appropriate job classification based on the duties and responsibilities of the position. (Added 8/25/09)

2. **“Annual Anniversary Date”**: The month and day that the employee entered their current job classification and grade, adjusted for periods of leave without pay in accordance with Ordinance 8064, as amended.

Added: Moved from Rule 5, Section 1f.

32. **“Certification”**: The process by which the names and addresses of persons on a proper eligible list are placed in the correct order in which vacancies are to be filled and thereby become entitled to be considered to fill a vacancy.

Renumbered to 3.

43. **“Child”**: A biological, adopted or foster child, a stepchild, a legal ward, including a child of a spouse or the designated household member.

Renumbered to 4.

54. **“Department Head”**: As used in the Rules, the term Department Head includes City Manager or designee, Deputy City Managers and Department Directors.

Renumbered to 5.

65. **“Designated Household Member”**: One person who currently lives in an employee’s household and who has been designated by the employee in accordance with Section 1ef of Rule 613.

Renumbered to 6.

76. **“Director”**: As used in the Rules, the term Director shall mean the Human Resources Director.

Renumbered to 7.

8. **“Employees Not Covered by Civil Service ”** As per Charter Section 6.2-2 the following employees are exempt from Civil Service:

A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;

B. The Mayor’s executive secretary(s) and Executive Assistant(s);

C. Hearing officer(s) and the Commission Recorder;

D. All elected officials;

E. Members of all City boards, commissions, and committees who serve without compensation;

F. Employees hired by contract as allowed under this Article;

G. The City Manager;

H. All Department Heads or Directors, Deputy City Managers, and executive staff or salaried professional employees reporting directly to the City Manager;

I. Employees hired on or after the effective date of this amendment who work at the Metropolitan Planning Organization; and

J. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.

K. A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.

Added categories of Civil Service Exempt Employees.

97. **"Full-time"**: As used in the Rules, the term full-time refers to an employment status of an employee that is regularly scheduled to work 40 hours per week. (Added 8/25/09)

Renumbered to 9.

10. **"Good standing"**: As used in the Rules, "good standing" refers to a) an employee who has received the most recent performance evaluation rating, equating to meeting the expectations of one's job classification for matters such as a promotion or transfer or b) an employee who has provided appropriate notice of their intent to leave City service. A person serving a suspension, who has not appealed the suspension, is not considered in good standing.

Added a definition for "Good Standing"

11. **"Grievance"**: A formal complaint made on the basis of a violation, by whatever means, of a statute, City, departmental or Civil Service rule or policy, but excluding all disciplinary matters, which subjects an employee to loss, detriment or disadvantage, as provided in Section 6.13-4 of the Charter. This shall not include any complaint not alleging a violation of a statute, City, departmental or Civil Service rule or policy. This definition shall be construed so as to fulfill the purpose and intent of Rule 14-24 of these Rules.

Added a definition for "Grievance".

128. **"Health Care Provider"**: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or a person meeting the definition of health care provider under the Family and Medical Leave Act and applicable regulations to include podiatrists, dentist, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives and clinical social workers. All health care providers must be authorized to practice in their state of practice and be performing within the legally-defined scope of practice, and if the health care provider practices in a country other than the United States, is licensed to practice in accordance with the laws and regulations of that country.

Renumbered to 12.

139. **"Household"**: A unit composed of persons living together in the same dwelling, without regard to whether they are related to each other as referred to in Rule 6-43.

Renumbered to 13.

14. **"Merit Increase"**: An increase in a regular employee's base pay that is awarded for outstanding performance, meritorious service or achievement. Such increases may be granted for a specific act or achievement or as a part of the City's performance evaluation system.

Added clarifying language. One-time increase as part of the performance evaluation system.

15. "Original Entry Date": The original employment start date.
Added a definition for "Original Entry Date".

16+0. "Periodic Updates": As directed by the Human Resources Director, but in no event more than once every (fifteen) 15 calendar days.

Renumbered to 16.

17+1. "Probationary Period": As used in the Rules, the term probationary period means: 1) original probation for a period of six (6) months. Uniformed employees' original probation is a period of twelve (12) months or as otherwise provided in the Collective Bargaining Agreement (CBA); 2) promotional probation is a six (6) month period immediately following a promotion from a lower graded classification to a higher graded classification; or 3) a probationary period of six (6) months following a change in classification as described in these Rules. During an employee's probationary period the employee is allowed up to (3) three weeks of medical leave without affecting their probationary status.

For employees who need to exceed the (3) three weeks of medical leave during their probationary period, requests to extend an original probationary period will be made by Department Head for a period not to exceed three (3) months for documented medical reasons, unless otherwise covered by the CBA. The Human Resources Director will only consider extension requests that are the result of a medical absence of three (3) weeks or more. (Added 8/25/09)(Amended 11/2/10)

Renumbered to 17.

18+2. "Reclassification": Means changing the allocation of a position to the same, higher, or lower graded job classification. (Added 8/25/09)

Renumbered to 18.

19. "Seniority": As used in the Rules, the term seniority refers to the calculation used in ranking candidates. A point value is provided for each complete year of continuous service an employee has served in a regular Civil Service position.

Nothing in this Rule shall prevent Departments from using an internal seniority system in determining vacation requests or scheduling; Departments utilizing an internal seniority system must promulgate such a rule as outlined in Rule 11+9.

In the event of a lay-off, seniority refers to the length of service with the City and is not dependent upon the amount of time in a position or Department.

Added a definition for "Seniority".

20. "Regular Employee": A classified employee who has completed an original probationary period. (Added 1/12/12)

Added a definition for "Regular Employee"

21+3. "Serious Health Condition": An illness, injury, impairment, or physical or mental condition that involves: (A) in-patient care in a hospital, hospice, or residential medical care facility, or (B) continuing treatment by a health care provider.

Renumbered to 21.

22. “Working Days”: Means business days as established by a resolution of City Council, but excluding city observed holidays and days in which more than 50% of employees assigned to work at City Hall are not working. In the absence of such a resolution, it shall mean Monday through Friday, but excluding city observed holidays, and days in which more than 50% of employees assigned to work at City Hall are not working.

Added a definition for “Working Days

23. “Working Out of Class”: The temporary assignment of an employee to daily perform duties of a significant and distinct nature allocated to a higher graded job class other than work performed in response to a catastrophic event or as defined in Section 2.2c of the Classification and Compensation Ordinance 8064.

Added a definition for “Working Out of Class”

B. Rules of Construction

1. **“Gender”**: The masculine gender shall include the feminine and the neuter.
2. **“Headings and Subheadings”**: The headings and subheadings in the Rules are for convenience in searching only, and are not intended to limit or expand the meaning of the text. (Passed 07/31/07) (Amended 8/25/09)

RULE 35

CompensationSection 1. Compensation.

a. Where graded scales of compensation have been established for positions in the City Service, appointment to such positions ~~from either original or promotional eligible lists~~ will normally be made at the lowest compensation rate, except as follows:

Deleted “from either original or promotional eligible lists”

(1) Persons already in the service of the City shall have their salary set in accordance with paragraph (b) below. (Amended 8/25/09)

(2) Persons hired under the Professional Managerial or Executive Compensation Plan, ~~shall additionally be compensated when the skills needed for the position are in short supply, or when recruiting efforts have failed to fill the position at the minimum rate or when candidates have exceptional qualification the employee may be started at a higher rate, not to exceed the top of the third quartile of the range unless approved by the Human Resources Director or City Manager in accordance with Sections 4 and 5 of this Rule. Subsections (g) and (h) of this section shall not apply to persons hired under the Executive Compensation Plan.~~ (Amended 12/18/84, 2/1/94, 11/1/94, 9/13/05, 8/25/09)

Added as per City Charter Section 6.4-4, *Salary Standardization*, must be defined in the Rules. Deleted language “shall additionally be compensated” and “in accordance with Sections 4 and 5 of this Rule. Deleted “Subsections (g) and (h) of this section shall not apply to persons hired under the Executive Compensation Plan.”

(3) ~~Persons hired to general services positions with certificates, licenses or exceptional qualifications that the Human Resources Director has determined are hard to recruit for, may be hired at other than the entry rate upon authorization of the Human Resources Director, City Manager or designee. (Added 7/31/07) (Amended 8/25/09)~~

b. The salary of a person already in a regular position in the classified service of the City will not be reduced upon entry or promotion to another position in a higher graded class. ~~If the minimum salary for the new classification is less than the employee's current rate of pay, salary advancement shall be five percent (5%) higher than the pay rate prior to entry or promotion. (Amended 3/22/88, 12/19/89, 9/17/91, 2/1/94, 11/1/94 and 7/31/07)~~

c. A transfer from one position to another position in the same class will not deprive the person transferred of his credit for length of service in the former position.

d. Advancement in salary through a pay range will be made on the basis of meritorious service, efficiency, and length of service. ~~(Amended 3/22/88, 9/15/92 and 2/1/94)~~

~~e. An annual competency increase may be added to employee's current pay rate provided that it does not result in a salary which exceeds the maximum of the applicable pay range and the funds for such increases have been budgeted by City Council. Annual competency increases will be available to all regular full and part time employees earning an overall rating of “meets performance standards” or higher on his annual performance evaluation, upon recommendation of the Department Head or City Manager, as applicable, and approval of the Human Resources Director, in accordance with and at~~

~~such time and in such manner as specified in the budget resolution adopted for the fiscal year in which the increase is awarded. If no time or manner for competency increases is specified in the budget resolution, then any such increases will be given on the first day of the pay period following the pay period in which the employee's Annual Anniversary Date below falls. (Amended 9/13/05, 7/31/07, 8/25/09)~~

~~f. Annual Anniversary Date is defined as the month and day that the employee entered their current class and grade adjusted for periods of leave without pay in accordance with Ordinance 8064, as amended. (Amended 9/15/92, 2/1/94, 9/13/05, 8/25/09)~~

~~g. A merit increase for employees in the General Services and Professional/Managerial Plans shall be based on meritorious service in accordance with regularly scheduled performance evaluations as set forth herein. Meritorious service increases shall also include any increase based on acquisition of additional qualifications or certifications as set for in Ordinance 8064. Merit increases will not exceed the percentage of a department's regular workforce excluding employees in the Executive Compensation Plan, in each fiscal year, as set forth in the annual budget resolution. An employee shall become eligible for a merit increase after completion of 12 months of "Meets Performance Standards" or higher rating in the same class and grade, including probationary period, if applicable. The amount of the merit increase will be set in the budget resolution adopted for the fiscal year in which the increase is awarded. Advancement shall be made upon recommendation of the Department Head and approved on a quarterly basis in the manner designated by the City Manager, if funds for merit increases have been budgeted by the City Council for the fiscal year in which they are to be received. The award of merit increases may be delayed by the City Manager, when the City Manager determines that such action is appropriate for purposes of maintaining a balanced budget or as otherwise provided in the annual budget resolution. (Amended 9/15/92, 9/21/93, 2/1/94, 9/13/05, 7/31/07, 8/25/09)~~

~~h. An employee's eligibility for a merit or competency increase will be based on the employee's evaluations for the prior twelve months of service prior to the Annual Anniversary Date of the employee, or the acquisition by the employee of additional qualifications or certifications as set forth in Ordinance 8064. (Added 7/5/94) (Amended 9/13/05, 8/25/09)~~

Deleted: Section 1(e)(g)(h) not governed by Charter. This is included in the annual budget resolution

Deleted: Section 1 (f) moved to Rule 2 in its entirety as definition number 2.

Section 2. Compensation Changes.

a. The wages and salaries of all persons in the Civil Service will be reduced by the same percentage whenever the budget set by the Council for all wages and salaries is less than that normally required by the classification and compensation plans. Reductions in wages and salaries, that are required due to economic conditions, will be made as determined by the City Manager, in accordance with Section 6.4-3 of the Charter. (Amended 8/25/09)

b. Except for reclassification or similar study, or merit increases, general increase in wages and salaries will be applied uniformly to all persons in the Civil Service.

Section 3. Transfer to Same Class and Grade.

Whenever an employee in any department of the City wishes to transfer to a position in another department, the employee must have received a "meets performance standards" or higher rating on their most recent scheduled performance evaluation and must have not been disciplined in the last 12 months. Persons on a transfer list will be eligible for certification for a period of 24 months provided they have not waived certification or have been non-selected a combination of three (3) times. The names of persons who waive certification or have been non-selected a combination of three (3) times

shall be removed from eligible list. The Employee shall retain his grade and pay rate, provided: (Amended 7/31/07, 8/25/09)

- a. The position is in the same class and grade as the one from which transfer is made; or
- b. The employee has been performing services substantially similar in nature and having similar requirements as to education and experience to those of the new position, as determined by the Human Resources Director. Seniority credit where applicable will be given to the employee for the number of years he has been performing similar work in the former department. (Amended 2/1/94 and 7/31/07)

Section 4. Executive Compensation Plan.

~~a. The Executive Compensation Plan and the salary schedules for the plan including the starting salary shall be as set forth in Ordinance 8064, as amended. (Amended 7/31/07, 8/25/09)~~

Deleted: Not governed by Charter.

~~b. Merit increases for employees in the Executive Compensation Plan shall be based on meritorious service in accordance with regularly scheduled performance evaluations. An employee shall become eligible for a merit increase after completion of 12 months of "meets performance standards" or higher rating in the same class and grade, including probationary period, if applicable. The amount of the merit increase for employees in the Executive Plan shall be set in the budget resolution adopted for the fiscal year in which the increase is awarded. Merit increases for employees covered by this plan will be made upon recommendation of the Department Head and approved on a quarterly basis in the manner designated by the City Manager. The award of merit increases may be delayed by the City Manager, when the City Manager determines that such action is appropriate for purposes of maintaining a balanced budget or as otherwise provided in the annual budget resolution. (Amended 2/1/94, 8/31/04, 9/13/05, 7/31/07, 8/25/09)~~

~~c. The starting salary for any person covered under the Plan shall normally be at the entry rate; however, in cases where the person is already a regular employee in the service of the City, or in cases where an applicant with exceptional qualifications, or where recruiting efforts have failed to fill a position at the minimum, the applicant or employee may be started at a higher rate, not to exceed the top of the third quartile of the range. A starting salary above the entry rate must be approved by the Human Resources Director and City Manager. (Amended 3/17/92, 2/1/94, 11/1/94, 8/31/04, 9/13/05, 7/31/07, 11/2/10)~~

~~d. Any provisions of these Rules relating to compensation which conflict with the provisions in this section shall not apply to those persons covered in the Executive Compensation Plan. (Section 4 passed 12/18/84) (Amended 7/31/07, 8/25/09)~~

Deleted (b) not governed by Charter. This is included in the annual budget resolution.

Deleted (c) embodied in addition to Rule 5, Section 1a.(2).

Deleted (d) Reference not needed because there will not be a conflict.

Section 5. Professional/Managerial Compensation

~~a. The Professional/Managerial Plan and the salary schedules for the plan including the starting salary shall be as set forth in Ordinance 8064, as amended. (Amended 8/25/09)~~

Deleted: Not governed by Charter.

~~b. At any time that any position in the Professional/Managerial Compensation Plan needs to be re-evaluated, re-evaluation will be investigated by the Human Resources Department, and reassigned to~~

~~the proper level in the Professional/Managerial Compensation Plan in accordance with the standards established in the Charter and Rules as to reclassification of positions, as recommended by Civil Service Commission and approved by City Council. (Amended 7/31/07)~~

~~e. The starting salary for any person covered under the Plan shall normally be at the entry rate; however, in cases where the person is already a regular employee in the service of the City, or in cases where an applicant with exceptional qualifications, or where recruiting efforts have failed to fill a position at the minimum, the applicant or employee may be started at a higher rate, not to exceed the top of the third quartile of the range. A starting salary above the entry rate must be approved by the Human Resources Director and City Manager. (Amended 3/17/92, 2/1/94, 11/1/94, 8/31/04, 9/13/05, 7/31/07, 11/2/10)~~

~~d. Any provisions of these Rules relating to compensation which conflict with the provisions in this section shall not apply to those persons covered in the Professional/Managerial Compensation Plan. (Passed 9/6/88 and 2/1/94) (Amended 8/25/09)~~

Deleted (b) embodied in Ordinance 8064 Section 2.2(e), 2.3, and 2.5.

Deleted (c) embodied in addition to Rule 5, Section 1a.(2).

Deleted (d) reference not needed because there will not be a conflict.

Section 46. Transfer During Probationary Period.

a. In order to have a request for a transfer approved, a person must have completed a probationary period in the class to which transfer is being requested, except as provided in paragraph b.

b. In cases where a position is abolished, a transfer request may be made by either the employee or the City. In such cases, a transfer may be approved while the employee is still serving in a probationary period for the class to which transfer is requested, provided that the balance of the employee's probationary period not yet served be retained by the employee in the new department, and that the rules regarding transfer and the order of certification and all provisions regarding transfers are met. (Passed 1/2/85) (Amended 9/13/05)

Renumbered to 4

Section 5. Special Pay

Longevity, merit, shift differential, certification pay, and hazardous duty pay will be compensated in accordance with Ordinance 8064 and as specified in Collective Bargaining Agreements (CBA).

Added as per City Charter Section 6.4-4, *Salary Standardization*, must be defined in the Rules. Also, added "and as specified in Collective Bargaining Agreement (CBA)".

Section 6. Working Out of Class

The Human Resources Director is authorized to establish a policy and procedure as to when an employee receives compensation and credit for working out of class.

Added: New Section 6 Working Out of Class. (Added on 2/8/12)